

**CITY OF NEWARK  
DELAWARE**

**SPECIAL COUNCIL MEETING MINUTES**

**AUGUST 14, 2007**

Those present at 7 PM:

Presiding: Vance A. Funk, III, Mayor  
District 1, Paul J. Pomeroy  
District 2, Jerry Clifton  
District 3, Doug Tuttle  
District 4, David J. Athey  
District 5, Frank J. Osborne  
District 6, A. Stuart Markham

Staff Members: City Secretary Susan A. Lamblack  
City Manager Carl F. Luft  
Clerk of the Court Barbara Wilkers

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**1. Interview and Consider Candidates for the Position of Alderman.**

**a) Larry Sullivan.**

Mr. Sullivan explained that he had a criminal justice degree from the University of Delaware; was a military policeman; has been a Delaware attorney since 1992; has worked four years in the courts in Wilmington--two years with New Castle County Family Court and two years in New Castle County Superior Court; has been in private practice since that time, before, during and after his tour of duty in the Alderman's Court. He served with Judge Forcina as his deputy for four years and accomplished a great deal during that time. He felt there was a lot more that needed to be accomplished. Mr. Sullivan felt qualified for the position because he recognized some of the challenges of the position that many others did not recognize. He stated that he had a vision for the court and how it should be brought up to speed and felt that was an important distinction that should be discussed.

- Hours needed to do the job: 15-20 hours a week for the alderman and 3 to 5 hours a week by the deputy alderman.
- How would he address the unpaid parking ticket issue: Look for patterns and use a separate calendar for parking tickets until backlog was alleviated.
- What issues needed to be addressed: The court has had no leadership for decades due to the fact that the part-time judges have had no vested interest in the overall administration of the court and the planning that went along with it. He felt there needed to be some responsible, moderate but consistent planning in the administration of the court, e.g., there has been little or no participation of the judiciary in the preparation of the Judicial Branch budget; communication with other courts and the State Legislature.
- Did he have time to devote to the court and a leadership position of the Judicial Branch of the government: Because he ran his business he could redistribute his workload as he saw fit to do so and was willing to do it. He felt communication was missing over the years and he had no problem with notifying Council of potential problems in the court.
- How would the deputy alderman position be different if he was appointed the alderman: He would establish a bench book which was a guideline for sentencing and participation in the actual administration of the court.
- Would he consider community service: He agreed with community service and explained that they had failed in their attempts to do it in the past

because there was no structure established and when they were sent to specific agencies within the city administration they were refused. He would hope that through communication and cooperation, it could be developed in Newark.

- He's certain what needs to be done but how willing would he be if others didn't see it that way: It would take a team approach with two-way communication between the deputy and alderman, between council and the Alderman's Court, and between the city manager and the Alderman's Court.

#### **b) William George**

Mr. George explained that he had long-time ties with Newark in that his Great, Great Grandfather, C. C. Hubert, served on Council many years ago, his grandmother went to the University of Delaware, he graduated from Newark High School, he went to University of Delaware, and has never lived too far from Newark. Since 1989, he has specialized in vehicular homicides and knew the rules of evidence inside out. He planned to retire from the Attorney General's Office on the 31<sup>st</sup> of this month and did not plan to go into private practice.

- He was asked how many hours would he devote to the job: He stated that he was looking for 15 to 20 hours a week.
- He was asked how he thought he could make a transition from a state prosecutor to a municipal judge: He explained that as a deputy attorney general he dealt with many more things than one would suspect, e.g., he dealt with families, victims, witnesses, high school kids, training for police, etc.
- He was asked how the hours between the alderman and deputy alderman would be worked out: Mr. George felt there needed to be a balance but wouldn't mind doing the bulk of the hours. In his retirement from the state, he did plan to travel and spend time on his boat, so he would continue to need a deputy.
- It was explained that traditionally the alderman from Newark was appointed the Chief Alderman for the state and would that fit into his schedule: He had no problem with that
- There were a number of first time offenders in Newark's court and Mr. George was asked how he would make that a good experience for them: He admitted that he had never been in Alderman's Court, but felt that there must be a demand for respect from the time they enter, even from the first time offenders, so they take it seriously. He further explained that in the higher courts you don't see a lot of community service for the basic reason that there was no one to monitor it and it didn't work unless there was a monitor and follow-up.
- He was asked what he would be doing in addition to the Alderman's Court: He explained that his specialty was vehicular homicide in that he didn't think there was another lawyer in the state who had as much experience as he did in this area. He has prosecuted approximately 150, has tried approximately 50 cases. He was presently working on the drag racing case on Elkton and Casho Mill Roads with Officer Kerr. The other specialty he had was he brought technology and the use of computer animation into the court room. He felt that there will be attorneys who might need to consult him for those types of cases, but under no circumstances was he starting a private law practice.

#### **c) Robert Panadero did not attend.**

#### **d) Lisa Hatfield**

Ms. Hatfield explained that it was always her plan to return to her home state after graduate school, which she did in 1998, after successfully passing three other state bar exams. She began private practice in Elkton, Maryland, with the goal of getting her Delaware license, and was then hired by the State Attorney's

Office. She had been looking for an opportunity in Delaware, and completed the requirements needed to apply for a Delaware license which she received in July, 2007. She felt the Alderman's position was a natural progression. When she was first hired by the State Attorney's Office in Cecil County, she was hired especially to handle municipal code violations for the Town of Elkton. Unfortunately it did not translate into the number of hours they wanted her to work so she took on a normal criminal load with work similar to what the Alderman's Court in Delaware handles. She also handles felony cases as well.

Ms. Hatfield continued by saying that this job fit her experience and allows her to return to her home state and home town and offers her an opportunity to give back to the community.

- How many hours would she be willing to cover and how many would she want the deputy to cover: She could cover all of them but if she was offered the position, in order to accept, she would have to quit her present job (she couldn't work part-time as a prosecutor and a judge in another jurisdiction) so she has been exploring other part-time opportunities.
- How much experience do you have with drunk driving cases: When she was in district court she handled them almost daily as a prosecutor. Since she has been in Circuit Court, every other Thursday, twice a month dealt with these types of cases. In addition to that, she was the lead prosecutor for their Drug Court program and most, if not all, came in through alcohol and drug addiction, but a fair number of them came in through DUI. She continued by saying that she not only had experience as a prosecutor but in essence she was a part-time social worker in her job as well and she has seen all aspects of DUI's.
- Dealing with civil actions and landlord/tenant problems: She has dealt with both, and in Cecil County she has prosecuted landlords for not cleaning up their properties and keeping their properties in order according to state building, fire, and maintenance codes.
- How did she see the role of alderman, particularly in dealing with college age students: She stated that the alderman dealt with an eclectic group of people and she has dealt with eclectic groups her entire life through one job or another. She felt that the great part about being an alderman, and something she doesn't get to do as a prosecutor in exactly the same way, is to provide equal justice under the law and get to look at everybody equally.
- How would she handle the first offenders: She felt that community service provides service to the community and still provides a sanction to the college age person. Fines are also a part of the penalty and both fines and community service should be balanced but felt community service was always an excellent option especially if you can get the service for the city itself. Depending on what the offense was, probation would enter into it as well.
- Have you given any thought to the administrative role you would play as alderman: At the present time she was in charge of the support staff in her office which consisted of seven secretaries and victim's coordinator.
- With a fresh look perspective, what vision did she see for the court and the image it might project in the future: Ms. Hatfield wanted to see people not be so afraid of the court but rather as a part of the community. She saw an alderman's court as a convenience to the citizens and a draw for the community. She felt that when one was in a position like the alderman, it was important to treat people with respect and in turn, the people will usually treat you with respect in return, knowing that there was a judicial role involved where you have to maintain control of the courtroom and professionalism.
- Given the fact that there were certain people in Delaware who are not impressed with the alderman's court system, how would she advocate the role of the court in Newark: She couldn't imagine everyone having to go to Wilmington in order to be heard in court. The backlog was already a problem and this would add to it. Alderman's courts were a way to alleviate what was going on in Wilmington and in the general court system. Secondly, she felt strongly that it was a part of the community and should be perceived as such.

- How would she make community service happen: Ms. Hatfield would contact Parole and Probation and ask them about their procedures. From there, she would take it upon herself to develop her own list of people that would be willing to accept people so that she could give the names of those agencies and contact people to defendants in the courtroom and then have them come back to the court in a week or so to report how they made out. It must be monitored or it won't work.
- Explain what she meant about the court being an asset to the community: The alderman is a part of a greater city function and her approach would be that any person working for the city is a co-worker and should depend on one another for the greater good. She would not hesitate to contact other departments to see if they could assist in making the court a better place and vice versa. She would always be looking for ways to improve.
- What role did she see the deputy alderman playing in the court: She felt it would be a joint effort and decision and would want to work with the deputy and not dictate what might or might not happen in the future.
- What did she see as an alderman/council relationship: She felt that the alderman and council had to work together because council was so important in changing the code when it was necessary to make a change according to what was happening in the community. On the other hand, the alderman should be able to provide council information about what was going on in the court room.

#### **e) Steve Amick**

Mr. Amick felt he had the temperament for the position and has been interested in it for a long time. Another campaign for a senate seat did not really appeal to him after doing it for 21 years and was looking for other opportunities for something different and this one really appealed to him. He had no interest in setting up a private legal practice and with his background he felt it was a good fit. He knew the City of Newark residents as well as anyone. He was a Newark High School graduate and has been in Newark most of the time since then except going away for law school.

- Have you had any experience with municipal courts or magistrate courts: He has practiced in all of those at one time or another, Alderman's Court less than the Wilmington courts and magistrate courts. Working for DuPont, he also did a fair amount of work in other jurisdictions in lower level courts.
- With the Alderman's Court being open for approximately 15 hours a week, how much of that time would you do: He would want to do the bulk of the time. In order to keep the deputy fully in tune with what was going on in the office, he should do a portion of it.
- How do you see your non-judicial role in defending the integrity of the court: He felt he had a certain amount of credibility in Dover. He has testified to the fact that the Alderman's Court functions well for Newark and represents the kind of justice Newark needs and has been successful in defending it. In this new position, he felt it would be a rather unique credibility and he would be in a good position to talk to those who may have some concern about the court in such a way that they not find difficult to accept.
- Since a lot of your experience has been in real estate and in particular, corporate real estate, how do you see dealing with a lot of the university age population: He has represented many college students and would not have great difficulty in treating them as people and at the same time insisting that they abide by the rules of the community.
- With most of the case load dealing with criminal, traffic and DUI cases in the Alderman's Court, how positioned are you with current standards and law on these topics and have you had a chance to review any of that lately: Those laws are something that are reviewed constantly in his Dover life. They are something that constituents call him about a great deal and other than stating that he felt he could understand them quickly with a little study, there was not a lot more he could say about it.

- How do you see yourself approaching criminal law and decisions from the bench: The attitude of the judge, in any circumstance, has got to be one of fairness, one of being willing to listen, and one of not allowing the wool to be pulled over your eyes. He would want to make absolutely everyone involved understand that he was there to provide appropriate justice.
- He was asked to talk a little bit about the administrative part of the position: Not knowing the exact circumstances of the court at the present time, he said that he has been a manager from time to time and felt that a good working relationship was essential with the staff in order to get the work done and/or caught up-to-date.
- Since he has had an interest in the Alderman's Court for some time, he was asked what his vision was for the court: He didn't feel his response would be much different than from his political interest that he has had and that was he wanted to be involved with the community and felt he could do it well.
- As alderman, how did he see his relationship with Council: He would want to be in contact with Council to see what they wanted out of the court. He understood bosses and what they wanted done within the limits of the law and judicial practice. Beyond that, he would be there to do the job and would want Council to be as open with him as possible when he wasn't doing something right.
- What did he think about community service: Mr. Amick stated that he had been begging for years on behalf of the community for prison work crews and other forms of community service. Assuming it could be done on an economic basis and assuming it could be monitored to make sure the work was being done, he was very much in favor of it. He would be inclined to seek help from outside nonprofits in the community to see if they had management capabilities to make sure it got done properly.
- He was asked if a Council member came before him as alderman charged with going 75 mph in a school zone, would he hear the case, and if so, be able to render justice and convict him if need be or would he defer the case to CCP: He stated that as a member of Council, the case would have to be transferred to Court of Common Pleas.
- Historically Newark's Alderman has been appointed by the Supreme Court Justice as Chief Judge of Alderman's Courts in the state and asked if he would be willing to take a leadership role in this and coordinate training sessions and other meetings of the judges of alderman's courts: He stated that he would be glad to do that and would, in fact, look forward to it.

This ends the actual interview portion of the meeting.

After considerable discussion, the following motion was made:

MOTION BY MR. TUTTLE, SECONDED BY MR. POMEROY: THAT COUNCIL RECOMMENDS TO THE GOVERNOR THAT LISA R. HATFIELD BE APPOINTED ALDERMAN OF THE CITY OF NEWARK AND AUTHORIZE THE CITY SECRETARY TO FORWARD THE NECESSARY PAPERWORK TO THE GOVERNOR'S OFFICE.

MOTION PASSED. VOTE: 6 to 1.

Aye – Pomeroy, Osborne, Athey, Markham, Tuttle, Funk.  
Nay – Clifton.

**Meeting adjourned. Time: 9:56 pm.**

Susan A. Lamblack, MMC  
City Secretary